IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2393 OF 2007

Afzal Mohammed Musa Patel ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr. M.K. Kocharekar i/by Rajeev Sawant and Associates for the applicant.
Mr. Y.M. Nakhawa, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : July 24, 2007.

P.C.:

1. The applicant is accused no.1 in Sessions Case No. 483 of 2005 and he was released on bail during the pendency of the trial. The complainant is his wife and the trial is for the offences punishable under Sections 498-A, 307, 506 (II) of IPC.

2. On 14/6/2007 the complainant wife was in the witness box and her depositions had commenced, examination-in-chief was over and she was to be subjected to the cross-examination. However, on

account of some reason or the other, the case was adjourned and, therefore, on 14/6/2007 she could not be subjected to the cross-examination by the defence counsel. On 16/6/2007 she moved an application for cancellation of bail pointing out that after the case was adjourned on 14/6/2007 immediately on the next day N.C. was lodged regarding the assault on the complainant by the accused and two other persons. The learned Judge of the trial court, therefore, held that the accused has misused liberty granted to him under bail and it would be prejudicial to the trial if the accused was continued on bail. The view taken by the trial court cannot be termed as perverse or grossly erroneous and, in fact, the learned Sessions Judge has shown his utmost sensitivity in a criminal case for offences punishable under Sections 498-A and 307 of IPC at the instance of the wife.

3. Hence, the application is rejected summarily.

(B.H. Marlapalle,J.)